

**STAFF MEETING MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
COUNTY-CITY BUILDING
ROOM 113
THURSDAY, DECEMBER 14, 2000
8:15 A.M.**

Commissioners Present: Kathy Campbell, Chair
Linda Steinman
Bob Workman

Commissioners Absent: Larry Hudkins, Vice Chair
Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer
Dave Johnson, Deputy County Attorney
Gwen Thorpe, Deputy County Clerk
Ann Taylor, County Clerk's Office

AGENDA ITEM

**1 APPROVAL OF STAFF MEETING MINUTES OF THURSDAY,
NOVEMBER 30, 2000**

MOTION: Workman moved and Steinman seconded approval of the Staff Meeting minutes of November 30, 2000. Workman, Steinman and Campbell voted aye. Motion carried.

2 ADDITIONS TO THE AGENDA

- A. Access Card for the Justice and Law Enforcement Center
- B. Letter from Lincoln Independent Business Association (LIBA)

MOTION: Steinman moved and Workman seconded approval of the additions to the agenda. Steinman, Workman and Campbell voted aye. Motion carried.

3 PENDING LITIGATION - Mike Thew, Chief Deputy County Attorney

MOTION: Steinman moved and Workman seconded to enter Executive Session at 8:15 a.m. for discussion of pending litigation. Workman, Steinman and Campbell voted aye. Motion carried.

MOTION: Workman moved and Steinman seconded to exit Executive Session at 8:20 a.m. Workman, Steinman and Campbell voted aye. Motion carried.

PENDING LITIGATION - Doug Cyr, Deputy County Attorney; Sue Eckley, Workers' Compensation & Risk Management Manager

Sue Eckley, Workers' Compensation & Risk Management Manager, said Andrea Borgmann, an former employee of Lancaster Manor, received a 3 percent permanent, partial impairment rating and was determined to have a loss of earning capacity as a result of a back injury that occurred during training in October, 1999. Borgmann was advanced \$1,906, the amount she was entitled to for the permanent, partial impairment rating and was told she would receive additional compensation for the loss of earning capacity. She said Borgmann initially sought a lump sum settlement, but reported on-going back pain and said she disagreed with the doctor's assessment of her permanent impairment. The County began to pay Borgmann loss of earning capacity wages (\$49.17 per week) on a bi-weekly basis. Borgmann contacted Eckley again this week and requested that the remaining loss of earning capacity wages (\$11,964) be paid to her in a lump sum settlement, with an advance of \$2,000 to \$3,000. Eckley said she is not comfortable advancing additional funds and said the Workers' Compensation Court may not approve of a lump sum settlement since Borgmann is still experiencing back pain and is currently unemployed.

Doug Cyr, Deputy County Attorney, advised against proceeding with a lump sum settlement at this time, stating he did not believe it would be in Borgmann's, or the County's, best interests.

Steinman remarked that a lump sum settlement would enable the County to dispose of the claim.

In response to a question from Workman, Cyr said a lump sum settlement could be discounted, based on present value.

The Board authorized the County Attorney to enter into a lump sum settlement with Borgmann in the amount of the permanent, partial disability discounted by present value, together with additional consideration in the amount of \$500.

4 LEGISLATIVE UPDATE - Gordon Kissel, Legislative Consultant

Gordon Kissel, Legislative Consultant, said the following bills of interest to Lancaster County will be introduced on the first day of the legislative session:

- O Senator Raikes will introduce a bill authorizing the issuance of building permits for farmstead residences
- O Senator Thompson will reintroduce LB 652, which provides for a juvenile correctional facilities master plan and payment of juvenile boarding costs by the State
- O Senator Hudkins will introduce a bill on mental health

Kissel said a bill will also be drafted to address the County's inability to expend county funds for paving roads within incorporated city limits.

Brief discussion took place on how to draft legislation to address the issue of roadhouse licensure with a suggestion that the Nebraska Association of County Officials (NACO) be asked to conduct a survey of the other counties to determine how they use Nebraska Revised Statute §23-813 (licensure of roadhouses, dance halls, carnivals, shows and amusement parks) before proceeding with drafting of legislation.

Kissel said the Nebraska Department of Health and Human Services held a meeting last Friday to set priorities for the Governor's budget and mental health was identified as the priority issue. He said Larry Bare, Governor's Chief of Staff, has indicated that juvenile justice will also be addressed.

Kissel said Senator Jensen is drafting legislation to divvy up the Health Trust Fund (tobacco settlement money) to address a number of issues, such as mental health and behavioral health. A major fight is expected as a number of the senators want to retain these funds, with the interest (\$50 million-\$100 million) placed in the General Fund.

The Board requested that a luncheon meeting be scheduled with members of the Douglas and Sarpy County Boards and state senators from Lancaster, Douglas and Sarpy Counties in January or February, 2001. Kissel agreed to check the Nebraska Legislature's master calendar for available dates.

Campbell noted that the County Board has discussed dividing the Lancaster County Senate Delegation among them and having on-going contact with assigned senators on priority issues.

ADDITIONS TO THE AGENDA

A. Access Card for the Justice and Law Enforcement Center

The Board requested access cards for each of the Commissioners; Kerry Eagan, Chief Administrative Officer; and Dave Kroeker, Budget & Fiscal Officer.

B. Letter from Lincoln Independent Business Association (LIBA)

Campbell said Charlie Claus, Executive Vice President of LIBA, sent her a letter asking for an explanation of why the County had created a Deputy Chief Administrative Officer position (Exhibit A).

Campbell and Eagan agreed to draft a response and will include a copy of the job description.

5 EXCEPTIONAL CIRCUMSTANCE AWARD FOR DEPARTMENTAL EMPLOYEES OF THE YEAR - Georgia Glass, Personnel Director; Larry Van Hunnik, Lancaster Manor Administrator; Mike Thurber, Corrections Director

Georgia Glass, Personnel Director, explained that the practice of giving exceptional circumstance awards to individuals designated "Employee of the Year" by Lancaster Manor and the Corrections Department was discontinued in June, based on direction from the County Board, as it was felt that the criteria for this designation may not be the same as for the exceptional circumstance award (See Exhibit B, Lancaster County Personnel Rules, Section 17.14). She added that the two department heads were not apprised of this change until recently.

Larry Van Hunnik, Lancaster Manor Administrator, explained that the "Employee of the Year", is awarded to an individual who is perceived to be a role model for job performance.

Campbell said it may be appropriate to create a subsection under Section 17.14 of the Lancaster County Personnel Rules to recognize these outstanding employees.

Steinman said since these are these are obviously exceptional employees, they may qualify for an exceptional circumstance award at some point during the year.

Eagan referred to the Local Government Miscellaneous Expenditures Act and read from Nebraska Revised Statute §13-2201, Subsection (3) which states: *The expenditure of public funds for plaques, certificates of achievement, or items of value awarded to elected or appointed officials, employees or volunteers, including persons serving on local government boards or commissions. Before making any such expenditure, the governing body shall, by official action after a public hearing, establish a uniform policy which sets a dollar limit on the value of any plaque, certificate of achievement, or item of value to be awarded. Such policy, following its initial adoption, shall not be amended or altered more than once in any twelve-month period.*

Van Hunnik said "Employee of the Year" recipients at the Manor have received exceptional circumstance awards in the amount of \$300. Selection is made from the twelve individuals that were named "Employee of the Month". These individuals each received a certificate of recognition and preferred parking for a month.

Mike Thurber, Corrections Director, said recipients in his department receive \$600, noting this amount is taxed. He said nomination in his department is by peers and selection is based upon performance that is exceptional or unusual and is demonstrated to exceed job duty.

The Board asked Glass to provide a summary of reasons that exceptional circumstance awards were awarded in the past and to work with Eagan, Johnson, Van Hunnik and Thurber on development of a section for the Personnel Rules that includes criteria for selection.

Eagan recommended that the County Board also pass a resolution establishing miscellaneous expenditures policy and setting the award limit.

6 COUNTY FINAL PLAT NO. 99050, HILLTOP ESTATES 1ST ADDITION AT SOUTH 84TH STREET AND PELLA ROAD; ACREAGE DEVELOPMENT - Mike DeKalb and Jason Reynolds, Planning Department; Larry Worrell, County Surveyor

County Final Plat No. 99050

Mike DeKalb, Planning Department, reviewed County Final Plat No. 99050, Hilltop Estates 1st Addition, a request to create eight residential lots and one outlot for open space on property located at the northeast corner of South 82nd Street and Pella Road (Exhibit C). He noted there has been an administrative amendment of Lot 6 adjusting the lot line to allow for location of the well on the same lot as the house.

Acreage Development

Jason Reynolds, Planning Department, reviewed a chart and map of *County Acreage Development 1995 - Present* (Exhibits D & E), noting the following:

- O Most of the applications for Change of Zone and Special Permit/Community Unit Plan (CUP) are located in the southern portion of the county
- O 14 Change of Zone requests were approved, 17 were denied
- O 12 Special Permit/CUP requests were approved, 5 were denied or placed on pending

Campbell noted that use of CUP's has been more prevalent in recent years.

Reynolds said a clear message has been sent that CUP development is encouraged, noting six Change of Zone applications were denied, withdrawn or placed on pending in 1999 through 2000.

DeKalb said CUP's provide flexibility and allow the County Board to control density, add conditions, retain farmland by clustering in areas, and to control the number of access points to county roads. He said a couple of applications have been denied because they did not fit the neighborhood. DeKalb added that the pattern of CUP development follows direction provided through the Lincoln City-Lancaster County Comprehensive Plan and the County Board's policies.

Workman said it appears that CUP development has avoided the townships.

DeKalb said CUP's are becoming more popular and there are a number of variations submitted. He said some include a Change of Zone application and some do not.

In response to a question from Larry Worrell, County Surveyor, DeKalb said there is no moratorium for applications within the beltway study area, but applications must comply with the Comprehensive Plan.

Campbell said the Stevens Creek Basin Initiative Task Force needs to be given a presentation on acreages.

DeKalb said one has been provided. He explained that the Stevens Creek Basin Initiative Task Force is charged with developing criteria and principals for review, with options for development of Stevens Creek, and is to forward that package to the Comprehensive Plan Committee so that it becomes part of the Comprehensive Plan process.

DeKalb said the final draft of the Comprehensive Plan is anticipated to be in process by the end of next year and acreages and growth projections will be crucial issues. He reported that 6 percent of the county's population is in rural, non-farms (acreages less than 20 acres in size), 1 percent is in farms, 3 percent is in other incorporated villages/towns, and 90 percent is within the Lincoln corporate limits.

In response to a question from Workman, Reynolds said the number of total potential lots is heartening when compared to the number of lots that have been permitted (See Exhibit D).

Campbell remarked that since 1997 the County Board has been consistent with the Comprehensive Plan, noting Lancaster County is no longer a homogenous agricultural county. She asked whether it is easier for the City to grow into CUP development rather than Agriculture Residential (AGR) zoned areas and suggested that the Comprehensive Plan Committee look at this issue.

DeKalb said a CUP is an advantage as long as a little extra care is taken to build for that eventuality.

Campbell suggested that criteria be developed for CUP's.

DeKalb said recognition needs to be given to the fact that urban development is engineered differently.

7 SURVEY OF COUNTY DEPARTMENTS REGARDING FINANCIAL SYSTEM NEEDS - Dave Kroeker, Budget & Fiscal Officer; Terry Adams, Deputy County Treasurer

Dave Kroeker, Budget & Fiscal Officer, explained the need for a fixed asset system that will handle depreciation to meet the requirements of Governmental Accounting Standards Board (GASB) 34 Infrastructure Reporting (Exhibit F). He recommended a survey of County departments to assess financial system needs.

Terry Adams, Deputy County Treasurer, added that a new system will improve reporting.

Kroeker said another area in which efficiencies are anticipated is purchasing, noting a number of governments are moving to paperless purchasing.

Board consensus to proceed with the departmental survey.

8 OFFICE OF JUVENILE SERVICES EVALUATIONS - Sheryl Schrepf, Families First & Foremost (F³) Grant Director; Gus Hitz, Assessment Center Director

Sheryl Schrepf, Families First & Foremost (F³) Grant Director, said Nebraska Department of Health and Human Services (HHS) has agreed to have F³ contract to coordinate and administer community based residential and non-residential evaluations of Office of Juvenile Services (OJS) youth in the Southeast Service Area, which includes 17 counties (Exhibit G). She added that HHS will provide a full-time staff person for the project to be co-located at F³ and supervised by the Assessment Center Director (\$40,000 in-kind contribution). Schrepf said HHS estimates that there will be 318 evaluations per year and has proposed a monthly fee of \$21,521.25 based on this number and anticipated Medicaid reimbursement. The contract will stipulate that if a savings is realized, the money may be put back into the system. She said HHS has also agreed to pay the County up to 5 days of room and board at a \$150 per diem in cases where youth are being assessed while residing at the juvenile detention facility or other county residential facilities. The County charges a per diem rate of \$190 but is not currently receiving any reimbursement from the State for the cost of holding youth in the juvenile detention facility while awaiting evaluation.

Dave Johnson, Deputy County Attorney, said HHS has proposed that the contract run from January 1, 2001 through June 30, 2002 but said he recommends a shorter term, due to an anticipated ruling from the Nebraska Supreme Court on the issue of State reimbursement.

Eagan suggested a contract term of one year, with an option to renew for an additional six months or a six month contract term, with two options to renew for six months.

Schrepf said Mark Martin, OJS Director, will be leaving his position on December 22, 2000 and HHS has asked that the contract be signed by that date.

The Board scheduled authorization for the Chair to sign an agreement with HHS, subject to the legal approval of the County Attorney's office, on the December 19th County Board of Commissioners Meeting agenda.

Gus Hitz, Assessment Center Director, noted that a presentation on Crisis Response for Youth is scheduled for January 9, 2001 from 10:30 a.m. to 12:30 p.m. in the City Council/County Commissioners Chambers.

9 JUVENILE DETENTION FACILITY UPDATE; ALLOWANCE MODIFICATIONS 007 THROUGH 013 - Chris Beardslee, Sinclair Hille & Associates Inc.

Chris Beardslee, Sinclair Hille & Associates Inc., reviewed *Progress Summary as of December 14, 2000* and Allowance Modifications Number 007 through 013 (Exhibit H).

NOTE: The Board will take action on the allowance modifications at the December 19th County Board of Commissioners meeting.

The following documents were also disseminated (See Exhibit H):

- O Proposal Requests 022, 023, 024, 025 & 026
- O Architects Field Observation dated December 4, 2000

10 ACTION ITEMS

A. Set Date for Mid-Year Budget Review

The Mid-Year Budget Review will be held on Thursday, February 1, 2001.

Dave Kroeker, Budget & Fiscal Officer, will draft a memorandum to departments informing them of the date and indicating what information will be required.

B. Application for Long-Term Disability Insurance

MOTION: Steinman moved and Workman seconded to authorize the Chair to sign the application for long-term disability insurance. Steinman, Workman and Campbell voted aye. Motion carried.

C. Purchase of Gateway Pentium III, 19" Color Monitor, etc., in the amount of \$2,134, from the County Engineer's Budget

Eagan explained that the computer was purchased off of the State of Nebraska contract.

MOTION: Steinman moved and Workman seconded approval. Steinman, Workman and Campbell voted aye. Motion carried.

11 ADMINISTRATIVE OFFICER REPORT

A. Radcliffe Road Update

Eagan said the level of Radcliffe Road was raised for drainage purposes which increased the steepness of driveways off that road. This made it difficult for trucks to access Lincoln Mattress Company. He said Olsson Associates, the engineering firm for the project, is working to correct this problem.

B. Traffic Count Map from County Engineer

Campbell said Commissioner Heier requested a traffic count map that was not color coded (See agenda packet for map of *Lancaster County Road Grading Needs*).

C. Employee Advisory Team Representatives from Records & Information Management

The Board did not object to Records & Information Management having representation on the Employee Advisory Team.

D. County Board Workforce Improvement Task Force Representative

Item held.

E. Nebraska Association of County Officials (NACO) Board of Directors Representative

MOTION: Steinman moved and Campbell seconded to appoint Commissioner Workman to serve as the County Board's representative on the Nebraska Association of County Officials (NACO) Board of Directors. Steinman, Campbell and Workman voted aye. Motion carried.

F. Convention and Visitors Bureau Surplus Computers

Eagan suggested that the County contract with a non-profit agency for certain human services in exchange for use of the computers, rather than declaring the equipment surplus.

The Board concurred with that suggestion.

12 DISCUSSION OF BOARD MEMBER MEETINGS

A. Juvenile Justice Legislative Meeting - Heier

Item held.

B. Ecological Advisory Committee - Heier

Item held.

C. Public Building Commission - Campbell

Campbell said the County's request for additional space on the first floor of the County-City Building was discussed. She said the Mayor has indicated that the City would like to combine Personnel Department offices, preferably on the first floor. She said it was suggested that Conference Rooms 104, 105 and 106 on the first floor be converted to offices and that the open space outside the Mayor's Office on the second floor be glassed in and converted to a meeting room. A committee consisting of Don Killeen, County Property Manager; Kerry Eagan, Chief Administrative Officer, and representatives of the County Assessor's Office and Personnel Department was formed to try to work out a solution to the space needs. Campbell said the Dean of Architecture at the University of Nebraska is willing to assign students to the Public Building Commission to look at long-term space needs. An annual retreat will be held at which time space requests will be reviewed.

Campbell also reported that the owners of the public parking lot east of the County-City Building have moved up their plans for construction along Lincoln Mall to the spring of 2001, which could eliminate some, or all, of those spaces. She said the Public Building Commission (PBC) gave Don Killeen, County Property Manager, authorization to meet with the owners to try to negotiate a different timetable. The PBC also plans to hold a Parking Retreat at which time options will be assessed.

D. Lancaster County Fairgrounds Joint Public Agency - Heier, Workman

Workman said the bonds were successfully sold at a AAA rate and \$420,000 will be saved over 10 years on interest. He reported that Ameritas has reduced their fees from 1.5 percent to 1.25 percent as a result.

Workman said the Joint Public Agency will meet on December 21st to approve expenditures from the bond issue.

E. Meeting with the Mayor - Campbell, Steinman

Steinman said non-emergency ambulance service was discussed with the Mayor stating that the Lincoln Fire Department will probably be the provider.

Campbell said Mayor Wesely has requested a joint meeting between the City and County on the Keno distribution issue. She said the upkeep of cars will also be discussed.

13 EMERGENCY ITEMS AND OTHER BUSINESS

The Board cancelled the Staff Meeting scheduled on Tuesday, December 19th.

14 ADJOURNMENT

By direction of the Chair, the meeting was adjourned.

Bruce Medcalf
Lancaster County Clerk